



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CYPRESS C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

COPY MAILED

JUN 16 2008

In re Application of :
Ogami, et al. : DECISION ON PETITION
Application No. 10/002,726 :
Filed: October 24, 2001 :
Atty. Dkt. No.: CYPR-CD01171M :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 27, 2008.

This application was held abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed February 6, 2007. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed July 2, 2007.

Petitioners assert that a response to the Notice was timely submitted May 11, 2007 and have provided as proof of submission and proof of receipt a postcard bearing a USPTO date stamp to this effect.

The original response filed May 11, 2007 has been located in the application file. The response contains a certificate of mailing date of May 7, 2007. A review of the Office finance records reveals that the check submitted with the issue fee transmittal bounced. However, the issue fee transmittal authorized the use of a deposit account for any deficit fees due. Office finance records reveal that sufficient funds were on hand in the deposit account to cover the required issue fee payment.

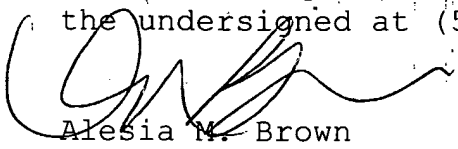
In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

No fee is due in connection with this matter. A refund of the \$130.00 petition fee submitted herewith will issue in due course.

The application file is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions